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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

APR 08 2011

JAMES N. HATTEN, Clerk
By: 
Deputy Clerk

THE RITZ-CARLTON HOTEL
COMPANY OF JAMAICA, LTD.,

Petitioner,

v.

ROSE HALL RESORT, L.P.,

Respondent.

CAP

Civil Action No.

1:11-CV-1146

**PETITIONER'S MOTION FOR LEAVE OF COURT TO FILE
DOCUMENTS UNDER SEAL AND SUPPORTING
MEMORANDUM OF LAW**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Petitioner Ritz-Carlton Hotel Company of Jamaica, Ltd. ("Ritz-Carlton") hereby moves for leave to file under seal an unredacted copy of the international arbitral award (the "Award") at issue in this proceeding and identified in Ritz-Carlton's contemporaneously-filed "Petition to Confirm International Arbitral Award" and "Ritz-Carlton's Memorandum In Support of its Petition to Confirm International Arbitral Award." The Award contains confidential commercial information

regarding competitively sensitive, negotiated terms and pricing underlying the parties' business. The parties would suffer prejudice if their competitors were to have access to this sensitive commercial information, which the parties otherwise keep strictly confidential.

Rule 26(c) of the Federal Rules of Civil Procedure vests this Court with the authority to seal or otherwise prevent public disclosure of confidential commercial information for good cause shown. The Eleventh Circuit has explained that:

'[W]hether good cause exists . . . is . . . decided by the nature and character of the information in question.' In balancing the public interest in accessing court documents against a party's interest in keeping the information confidential, courts consider, among other factors, whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.

Romero v. Drummond Co., Inc., 480 F.3d 1234, 1246 (11th Cir. 2007) (internal citations omitted, alterations in original).

Here, Ritz-Carlton has filed a redacted version of the Award that discloses all but very limited portions of the Award. Ritz-Carlton's voluntary disclosure addresses the public's interest in accessing court documents while protecting the

parties' substantial privacy interest in maintaining the confidentiality of their competitively sensitive information. Furthermore, the single document that Ritz-Carlton seeks to file under seal will not burden the clerk or impair court functions, nor does the Award concern public officials or public business, and Ritz-Carlton is not aware of a less onerous method to protect the parties' competitively sensitive information. Moreover, the particular circumstances of this proceeding – to confirm an arbitration Award emanating from a private arbitration – further weighs in favor of permitting Ritz-Carlton to file the Award under seal because it would undermine the strong federal policy favoring arbitration if the confidentiality of private arbitrations were compromised in confirmation proceedings.

Good cause therefore exists to grant Ritz-Carlton leave to file the Award under seal. For the Court's consideration and convenience, and in compliance with LR 5.1.A.(1), NDGa and Appendix H (III.A) thereto, Ritz-Carlton has attached a proposed order.

Respectfully submitted this 8th day of April, 2011.



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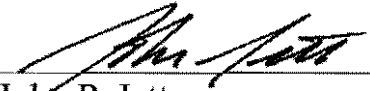
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LOCAL RULE 7.1 CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing pleading filed with the Clerk of Court has been prepared in 14 point Times New Roman font in accordance with Local Rule 5.1(C).

Dated: April 8, 2011.



John P. Jett

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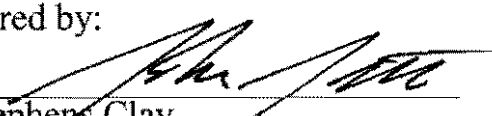
Civil Action No. _____

[Proposed] ORDER

For good cause shown, Petitioner Ritz-Carlton Hotel Company of Jamaica, Ltd. shall file under seal an unredacted copy of the international arbitral award that it seeks to confirm through this proceeding.

JUDGE, UNITED STATES DISTRICT COURT

Prepared by:


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